Final minutes of the 21st meeting of ENSREG
19th November 2012
Brussels

Participants

Members from all EU Member States as well as the European Commission, with the exception of, Cyprus, Denmark, Ireland, Latvia, Malta, and Romania were represented in the meeting. Observers from Switzerland, and the IAEA were also present.

1) Introductory address by the ENSREG Chairperson

The Chairperson welcomed the participants and announced 3 new members of ENSREG

France :	**Mr Pierre-Frank Chevet**
	ASN
UK :	**Mr Derek Lacey**
	Nuclear Installations Inspectorate
Estonia :	**Mr Ilmar Puskar**
	Estonian Environmental Board

2) Adoption of the Agenda

Agenda approved without change

3) Meeting with Commissioner Oettinger 04.10.2012

3.1) Chairman's briefing regarding the meeting

The Chairman offered his feedback on the meeting with Commissioner Oettinger of the 4th October 2012. (Report is in Annex)

3.2) Reactions of the European Regulators to the communication of the Commission

The general consensus was that the stress test exercise had been an excellent demonstration of cooperation between operators, regulators and the EC at the European level but that this achievement had been spoilt by the nature and content of the Commission communication. In particular Members mentioned:

- The lack of prior consultation with ENSREG
- The unprofessional nature of the leaking of the report
- The comparative nature of the tables in the staff working document when it had been a pre-condition of the stress test exercise that no comparisons of the safety of installations would be drawn
- The arbitrary nature of the selection of recommendations made by the Commission extracted from the 45 recommendations of the ENSREG report
- Careless and regrettable style of the communication
- Failure to present the role of the stress tests in the overall safety assessment system of NPPs
- All leading to a serious undermining of the trust which had been established with the Commission during the stress test exercise

It was proposed that a written record of the problem may be prepared, identifying "what brings the EC and regulators together", and with the aim of "rebuilding trust".

4.) Revised European directive on Nuclear Safety

4.1) Necessity of, and opportunity to, revise the European Directive on Nuclear Safety and 4.2) Ways and conditions for systematic future cooperation between European Regulators and the Commission

The EC outlined the legislative calendar process

- The EC would share an "Option Paper" with ENSREG in December outlining possible elements of a new directive
- The January meeting of ENSREG would be dedicated to a full discussion on the directive
- Commissioner Oettinger had additionally agreed to discuss the directive with ENSREG
- Following this the EC would draft a legislative text and solicit the opinion of the Art 31 Euratom expert group
- After that the EC would send the draft proposal to the European Economic and Social Committee (EESC) for an opinion
- After summer 2013 the EC would forward the proposal to Council for decision (and EP for non-binding opinion)

<u>Discussion on the need for revision:</u>
There was a generally shared view among the ENSREG members that:

- The current EC directive is good
- Revision at this stage, before the first reporting in 2014, would risk to undermine what had already been achieved, and risked to deliver the message that something was wrong with the current regulatory framework, which is not the case
- EC reported that it was acting upon a European Council request
- It was emphasised that any new regulation should not be a technical response to Fukushima
- There was a significant risk that a move in a prescriptive technical direction would risk to deliver less safety
- It was considered that there was a first need to identify how the current directive was working in MS
- It was again emphasised that the Stress Test (ST) exercise represented a small element of the total safety system associated with NPPs

<u>Opportunity</u>

- Members recommended to remain involved with, and not outside of, the new regulatory process
- The EC insisted that it was not rushing to new regulation since the original demand of the Council was to propose new legislation by end 2011, explaining that it had already prepared an impact assessment which had highlighted the need for improvements in the areas of Governance and Transparency. In addition the ST exercise had identified a potential agenda for technical improvements.

5.0) Presentation on the results of the seminar on "Safety of Nuclear Power Plants against Aircraft Impacts" held on Tuesday, 25 September by the Commission

The EC presented a summary of the meeting, outlining that a wide range of approaches to the problem had been presented which suggested some scope for harmonisation on this issue.

ENSREG members emphasised that the plane crash scenario was but one particular example the generic problem case of a large scale external event. The plane crash on reactor containment building may not actually deliver the worst case scenario and that if additional work were to be undertaken it might be more useful to address the generic problem case. It was emphasised that the probability of the aircraft strike event was very low and that the necessary statistical data to be able to conduct Probabilistic Risk Analysis (PRA) was not currently available.

ENSREG took the decision that this issue would be taken up by WG1 when time allows

IAEA pointed out that this was not a new topic and that an advanced starting point for work in this area already existed at the IAEA.

6.) Progress made by the ENSREG Working Groups

6.1) WG1 Preparation of National Action Plans, including status of stress test process in Ukraine, Armenia and Turkey

HLG_r(2012-20)_138 Post Fukushima National Action Plans Contents

WG1 meeting of 4-5 September 2012

At the WG1 meeting of 4-5 September 2012, WG1 developed guidance on a common structure and contents of the National Action Plans, presented in the document "***Post-Fukushima National Action Plans – Advice on Structure and Content"***[1]***.*** The ENSREG Members were provided (on 28 September 2012) with ***Working Material*** *(Excel spread-sheet)*[2], as a working basis to compile the National Action Plans. This document gave guidance on how the items, combining the ENSREG "*Compilation of Recommendations and Suggestions from the Review of the European Stress Tests*" document and the CNS extraordinary meeting recommendations, might be collated and presented.

Subsequently, an additional document ***"National Action Plan Guidance as directed within the ENSREG Stress Tests Action Plan"*** was developed, to identify general considerations for the structure and content of the National Action Plans and a recommended structure (template) to support the peer review by common discussion.

At the request of the ENSREG Chair, this above-mentioned guidance document (supported by working material) was submitted to ENSREG Members (on 29 October 2012) for a **silence approval procedure** (one week). In the absence of comments the document was approved.

On the issue of the stress test process in Ukraine, Armenia and Turkey, it was reported that the Turkish report had been received in May 2012 and that the Armenian report was foreseen for the end of 2012. No report had been received from Ukraine.

ENSREG took the decision to follow-up on the Armenian and Turkish reports and for ENSREG to write to Ukraine to inviting them to participate to the Peer review workshop.

6.2) WG1 Discussion on the general approach for the workshop

WG1 meeting of 4-5 September 2012

At the WG1 meeting of 4-5 September 2012, WG1 developed an outline of the workshop format, presented in the document "Approach for a peer-review of the National Action Plan". This document was put forward for the consideration of ENSREG at its meeting of 27 September 2012.

WG1 latest developments

HLG_r(2012-21)_153 ENSREG NAcP_Wshop_April 2013_121112.pdf

A Task Force comprising several WG1 Members developed a "WG1 proposal for ENSREG National Action Plan Peer Review Workshop".

The proposal was based upon a desktop review process followed by a 5 day peer review meeting provisionally foreseen for the 22-26 April (subject to availability of meeting facilities).

The desktop review should commence mid-January 2013 requiring the teams to be in place by that date as well as defined officers for the overall workshop and country groups with the work being completed by 31st March 2013. The countries would be split into 3 country groups requiring a total of 58 reviewers. The review teams would coordinate their findings by electronic communication (email and phone) and a formal meeting could be considered to produce the overall responses of a country group and the final desktop review consolidation.

The peer review meeting format proposed a 5 day meeting, (Day 1 plenary, Day 2-4 peer review of country reports, Day 5 Plenary and conclusions) requiring 42 nominated persons.

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1 HLG_r(2012-20_138)

2 HLG_r(2012-21_147)

WG1 requested

1. Nomination of a Workshop President
2. Endorsement of the proposal, including a commitment of Countries to provide reviewers to meet the timescales
3. Provision of a Location for Workshop and other meetings

To these requests

1. Mr Klonck was unanimously approved as event president
2. However, several members of ENSREG expressed their concern at the scale of the event and resources required and requested WG1 to work towards a slimmed down programme with reduce time and resources. Some questioned the need for a desktop review element to the programme. In light of the EC communication experience members considered it of highest importance to prioritise the event communication and conclusion. It was considered important that there should be a communication immediately after event and do not wait for the ENSREG conference in June. In addition it was envisaged that a senior figure should present each country report at the meeting.
3. The EC expressed its willingness to provide resources in Luxembourg for the Workshop. It further expressed its opinion that the national action plan reports should as a minimum address all identified issues of the country stress test report and that the actions should be prioritised and that a relevant and realistic timescale for their implementation be presented.

ENSREG requested WG1 to work to restructure and slim-down the programme and particularly to reduce time and resources.

6.3) WG1 Progress Report (other business)

6.3.1. ENSREG IRRS Coordination Group (former Sub-Group C – "Scheduling and resourcing of self-assessment and peer-reviews under Article 9(3) of the Nuclear Safety Directive" ('SGC'))

WG1 meeting of 4-5 September 2012

WG1 acknowledged that the activity of the ENSREG IRRS Coordination Group is on-going and the existing documents (Indicative Programme international peer-reviews in EU-countries 2012-2022; Pool of experts for the EU IRRS Programme; Contact Points of EU Member States for the EU IRRS Programme) are being continuously updated.

WG1 re-iterated the fact that the request for experts by IAEA should be made via the Contact Points.

ENSREG thanked all contributors, both past and present.

6.3.2. External dimension of nuclear safety

WG1 meeting 4-5 September 2012

WG1 developed and further prepared a draft Mandate/ Terms of Reference for the separate ENSREG Working Group "WG International Cooperation" . This document was put forward for the information of ENSREG at its meeting of 27 September 2012.

WG1 proposed the setting up of WG4 - International Cooperation

ENSREG approved the formation of WG4: International Cooperation

6.4) WG1 Revision of Draft "ENSREG Guidelines regarding Member States Reports as required under Article 9.1 of Council Directive 2009/71/EURATOM"

WG1 meeting of 4-5 September 2012

WG1 accepted the amendments made during the Sub)-Group A meeting of 26 July 2012.

The latest WG3 guidance on Art.8 of the Directive has been incorporated.

The revised "draft ENSREG Guidelines for Member States Reports as required under Article 9.1 of the Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations" were put forward for the consideration and endorsement of ENSREG at its meeting of 27 September 2012.

WG1 advised that the Guidelines should be revisited by ENSREG to incorporate experience, after 2014, when the first reports are to be presented by the Member States.

WG1 acknowledged that the activity of Sub- Group A has been completed.

The document ***HLG_r(2012-21)_165 HLG_r(2011-16)_91 rev SGA 120727_2 Clean*** "Draft ENSREG Guidelines for Member States Reports as required under Article 9.1 of the Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations" was again presented for the consideration of ENSREG

The document was endorsed By ENSREG.

6.5) WG2 Election of New chairman WG2

Following the notification by Mr.Minon of the end of his 2 year term as WG2 chair, Mr. Bengt Hedberg was proposed as the new chair, seconded by UK, NL, DK and FI and duly elected. The chairman thanked Mr Minon for his work of the past 2 years as Chair of WG2.

6.6) WG2 Progress Report

Progress towards the implementation of the task of developing draft Guidelines for MS reports under Article 14 of Directive 2011/70/Euratom was presented.

ENSREG agreed with the approach taken and the proposed way forward.

On the topic of "Implementation of Article 14.3 (Peer review) of the Directive on spent fuel and radioactive waste management;

ENSREG agreed to the general approach and to the request to launch a preparatory interaction with IAEA, through the IAEA observer in WG2, in order to develop a specific methodology as a service to EU MS for the purpose of fulfilling the peer review obligations created by both the Nuclear Safety and the Spent Fuel (SF) and Radioactive Waste (RW) Management Directives.

6.7) WG3 Progress Report

Item not treated due to time constraints

6.8) WG Rules of Procedure

Item not treated due to time constraints

7.) ENSREG Conference - latest developments

HLG_r(2012-21)_163 121119 Présentation euroconference - point à ENSREG.ppt

Mr. Pailler reported that the Conference was established for the 11-12 June and that countries would be receiving a communication regarding the shared costs of the conference. He reported that a draft programme for the conference had been established with identified speakers and session chairs

Opening session (formal session) - STATE OF PLAY- What have we learned in nuclear safety more than 2 years after the Fukushima accident in Europe ?

Session 1 – ENSREG: CHALLENGES ON THE WAY FORWARD

Session 2 – RESPONDING TO NUCLEAR EMERGENCIES

Session 3 – WHAT'S NEXT ON LEGISLATIVE INSTRUMENTS AND INITIATIVES OF THE EU?

Session 4 – DEBATE ON THE EUROPEAN CONTRIBUTION TO THE FUTURE OF NUCLEAR SAFETY - WHAT ARE THE EXPECTATIONS FOR THE COMING YEARS?

A communication plan was in the process of being drafted.

ENSREG endorsed the plan and invited the group to continue with the preparations.

8.) A.O.B.

8.1) Follow-up of the 2nd extraordinary CNS meeting

Mr. Majerus reported that a working group was in the process of being established with ToR and working methods developed. Countries would be receiving invitations to nominate participants. Four meetings three day meetings in Vienna were foreseen in 2013 (with dates yet to be fixed). A first report was foreseen of the start of 2014.

8.2) ERDA Roadmap

Chair reported that the ERDA group (European Reactor Design Acceptance) had written to ENSREG requesting the opportunity to present their work at a future ENSREG meeting.

Decision: ENSREG to prepare invitation for ERDA group to present at a future ENSREG meeting

Action : Chairman to contact ERDA and ENEF

8.3) Peer reviews of Taiwan's stress tests

The Commission reported that Taiwan had performed their own stress test exercise, but due to political considerations IAEA were unable to assist with peer review of this exercise. They had requested the assistance of ENSREG to help with the peer reviews.

ENSREG were willing to assist but stressed that political clearance would be first required.

Action : Contact members for their approval willingness to address themselves to the Taiwan request

The chairman closed the meeting, announcing that this was the last meeting to which Carmen Martinez Ten would attend. All expressed their gratitude for her work and dedication to the group over the past years.

Next meeting : 23rd January 2013, Bât. Borschette, Brusssels

Meeting Documents

HLG_r(2012-21)_145 ERDA Roadmap FINAL 31 July 2012.pdf
HLG_r(2012-21)_148 Post Fukushima National Action Plans Contents.pdf
HLG_r(2012-21)_150 Note on the Seminar on Safety of Nuclear Power Plants against aircraft Impacts 25/9/2012
HLG_r(2012-21)_151 CNS-summaryreport310812.pdf
HLG_r(2012-21)_152 Compilation of Recommendationsl.pdf
HLG_r(2012-21)_153 ENSREG NAcP_Wshop_April 2013_121112.ppt
HLG_r(2012-21)_154 ENSREG WG1 proposals for peer review workshop for NAcPs 12112012.doc
HLG_r(2012-21)_155 HLG_r(2011-16)_91 rev SGA 120727 Clean.doc
HLG_r(2012-21)_156 HLG_r(2011-16)_91 rev SGA 120727 TC.doc
HLG_r(2012-21)_157 National Action Plan - Table_2012_10_16_.xls
HLG_r(2012-21)_158 Template NAcP-Proposal WG1-Rev.doc
HLG_r(2012-21)_158 Template NAcP-Proposal WG1-Rev.pdf
HLG_r(2012-21)_159 Third Draft Proposal ToR ENSREG WG IC 260312_Rev JM 20120927.doc
HLG_r(2012-21)_160 WG1-Report to ENSREG-21.ppt
HLG_r(2012-21)_161 ENSREG WG Rules of Procedure - Draft
HLG_r(2012-21)_162 ENSREG_WG2_PeerReview_12_11_2012.doc
HLG_r(2012-21)_163 121119 Présentation euroconference - point à ENSREG.ppt
HLG_r(2012-21)_164 ENSREG 21 (19-11-12) - Progress Report for WG3.pdf
HLG_r(2012-21)_165 HLG_r(2011-16)_91 rev SGA 120727_2 Clean
HLG_r(2012-21)_166 HLG_r(2011-16)_91 rev SGA 120727_2 TC
HLG_r(2012-21)_167 WG2-ProgressReport-Reporting-15112012
HLG_r(2012-21)_168 WENRA status Fuku WGs Nov 12 short

Annex 1 :

Tero Varjoranta
ENSREG Chairman

2012-10-17

Meeting with Commissioner Öttinger 4.10.2012, 9:00 – 10:00 at Berlaymont Building, 5th floor, Bussels

Present:

- EC: Commissioner Öttinger, Eric Mamer , Peter Faros, Massimo Garribba, X
- ENSREG: Tero Varjoranta (Chairman), Martha Ziakova, Ivan Poullard, Guy Lentz, X

Overall: good meeting, good atmosphere

Key points stated by Commissioner Öttinger:

- Emphasized expert opinions, not 'tabloid press'
- National regulators solely responsible for nuclear safety
- EC needs ENSREG expertise and knowledge, "we need you"
- Fully respect national regulators' competence and knowledge
- No purpose to take power from national regulators or shutdown NPPs
- EC involved only in two matters as asked by the Council

- Stress tests over now, good spirit in the process
- EC fully committed to implementation phase
- No contradictions between EC and ENSREG
- Didn't want to contradict ENSREG report
- Communication modified taking ENSREG's key comments into account

- *Revision of the nuclear safety directive:*
  - *ENSREG will be systematically involved*
    - *agreed that next ENSREG meeting mainly devoted to the revision of the NS-directive*
    - *Two hour meeting in mid-January with Öttinger*
    - *ENSREG can work inter-sessionally as wishes*

- Ö's last question to his staff: "Are there any difference left between the communication, ENSREG report and key comments?" Liability and air crash issues were mentioned. He also said:
  - ENSREG can inform him of any differences.
  - If needed, a document explaining how certain items in the communication should be understood and interpreted (possible differences referred to above) shall be published by the EC with the communication.
  - Direct changes to the Staff working paper can be made, if need be.
  - Not casted in stone
  - Commission adapts the communication, not the Staff working paper.